

REMARKS

Formal Matters

Claims 15-37 are pending.

Claims 15-37 were examined. Claims 15-21 and 24-37 were rejected. Claims 22 and 23 were objected to.

Applicants respectfully request reconsideration of the application in view of the Declaration submitted herewith and remarks made herein.

No new matter has been added.

The Office Action

Claims Rejected Under 35 U.S.C. Section 102(e) (Cattell)

In the Official Action of April 19, 2007, claims 15-37 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Cattell, U.S. Patent No. 7,027,930. The Examiner noted that Cattell has a common inventor with the instant application, and that this ground of rejection might be overcome by a showing under 37 CFR 1.132 that any invention disclosed, but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another”.

The Examiner specifically addressed reasons why claims 15-21 and 24-37 were interpreted to be anticipated by Cattell.

Applicants respectfully traverse this ground of rejection. Applicants respectfully submit that at least claims 22 and 23 are allowable over Cattell, as the Examiner has even admitted such on page 8 of the Office Action dated April 19, 2007.

Further, although Applicants do not agree that claims 15-21 and 24-37 are necessarily anticipated by Cattell, and do not acquiesce thereto, Applicants are submitting a Declaration under 37 CFR 1.132 in order to advance the prosecution of the instant application and render this ground of rejection moot.

The Declaration submitted herewith shows that any invention disclosed in Cattell but not claimed therein was derived from the inventor (Cattell) and is thus not the invention “of another”.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 15-37 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Cattell, U.S. Patent No. 7,027,930, as being moot.

Claims Objected To

Applicants acknowledge the objection of claims 22 and 23 as being dependent upon a rejected base claim, but as containing allowable subject matter so as to be allowable if these claims were rewritten in independent form to include all of the limitations of the base claim and any intervening claims.


Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078, order number 10010327-1.

Respectfully submitted,

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